



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Christine Lepera
A Professional Corporation
(917) 546-7703 Phone
(917) 546-7673 Fax
ctl@msk.com

April 3, 2025

VIA ECF

Hon. Katherine Polk Failla, U.S.D.J.
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

Re: **Larball Publishing Company, Inc., et al. v. Dua Lipa, et al., Case No. 22-cv-1872**

Dear Judge Failla:

We are counsel for Defendants Dua Lipa, Clarence Coffee, Jr., Sarah Hudson, Stephen Kozmeniuk, Sony Music Publishing (US) LLC, Universal Music Corporation and Warner Records Inc. (collectively, “Defendants”) in the above-referenced action. We write on Defendants’ behalf to respectfully request an extension of time to file a motion for costs, including attorneys’ fees, as permitted under Section 505 of the U.S. Copyright Act. Plaintiffs’ counsel has stated that Plaintiffs consent to this request.

On March 27, 2025, the Court issued an Opinion and Order granting Defendants’ Motion for Summary Judgment. ECF 135 (the “MSJ Order”). The Clerk of Court entered judgment and closed the case on the same day. ECF 136. Defendants are therefore the “prevailing party” under Section 505 of the Copyright Act, and may move for “a reasonable attorney’s fee . . . as part of the costs.” 17 U.S.C. § 505 (“Section 505”).

The deadline for Defendants to file such a motion under Section 505 is currently April 10, 2025, *i.e.*, “14 days after the entry of judgment.” *See* Fed. R. Civ. P. 54(d)(2)(B)(i). However, Defendants are informed that Plaintiffs may appeal the Court’s MSJ Order.¹ The deadline for Plaintiffs to file a notice of such appeal is April 28, 2025. *See* Fed. R. App. P. 4(a)(1)(A).

An appeal by Plaintiffs could create additional costs, including attorneys’ fees, that are recoverable under Section 505. Accordingly, Defendants respectfully request that the Court extend the existing deadline to file a motion for costs under Section 505 to the longer of: (a) 30 days after the expiration of Plaintiffs’ right to file a Notice of Appeal; or (b) 30 days after the Court of Appeals issues a final decision and the time to pursue any further appeals expires, whether in the Second Circuit or the U.S. Supreme Court. Courts in analogous circumstances

¹ *See* S. Horowitz, *Dua Lipa Scores Legal Victory as Judge Dismisses ‘Levitating’ Copyright Lawsuit*, VARIETY (March 27, 2025), <https://variety.com/2025/music/news/dua-lipa-wins-levitating-copyright-lawsuit-1236350426/> (“Jason T. Brown, an attorney for Linzer and Brown, said in a statement to Variety that they ‘respectfully disagree’ with the court’s ruling and intend to appeal.”).



Hon. Katherine Polk Failla, U.S.D.J.
April 3, 2025
Page 2

have recently endorsed the same approach. *See, e.g., Nwosuocha v. Glover*, No. 21 CIV.04047 (VM), 2025 WL 560846, at *1 (S.D.N.Y. Feb. 20, 2025) (considering consolidated motion for attorneys' fees and costs under Section 505 brought after resolution of appeal).

The extension requested herein would avoid the potential filing of multiple fee motions, and thus be more efficient for the Court.

This letter is Defendants' first request concerning an extension of time to file a motion for costs, including attorneys' fees.

Sincerely,

A handwritten signature in black ink that reads "Christine Lepera".

Christine Lepera
A Professional Corporation of
MITCHELL SILBERBERG & KNUPP LLP

CTL/sml

cc: Counsel of Record (via ECF)

Application GRANTED. The deadline for Defendants to file their motion for costs, including attorneys' fees is extended to the longer of (i) **May 28, 2025**, and (ii) 30 days after the Court of Appeals issues a final decision and the time to pursue any further appeals expires.

The Clerk of Court is directed to terminate the pending motion at docket entry 137.

Dated: April 7, 2025
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE